



Town of Groton, Connecticut

Meeting Minutes - Draft

Town Council

45 Fort Hill Road
Groton, CT 06340-4394
Town Clerk (860)441-6640
Town Manager
(860)441-6630

Mayor Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets

Tuesday, July 21, 2009

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:31 p.m. by Town Clerk Barbara Tarbox.

Members Present: Councilor Antipas, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor Schmidt and Councilor Sheets

Members Absent: Mayor Watson, Councilor Brown-Tracy and Councilor O'Beirne, Jr.

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, Town Clerk Barbara Tarbox, and Office Assistant Lori Watrous.

The Town Clerk called for nominations for Chairman Pro Tem. Councilor Kolnaski was nominated by Councilor Schmidt, seconded by Councilor Sheets. There being no further nominations, the vote carried unanimously.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Genevieve Cerf.

III. RECOGNITION, AWARDS & MEMORIALS

None.

PUBLIC HEARING:

2009-0159 Sandy Hollow Road Alterations - Leuba Property

Heard at Public Hearing

Chairman Pro Tem Kolnaski called a recess for the Public Hearing at 7:33 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Barbara Tarbox.

Chris Casadei, 297 North Stonington Road, Stonington, is the forester from Forest Products, LLC, in charge of the Leuba property. He briefly addressed the plans to remediate the violation regarding the stone wall and property frontage, stating that the property is currently stabilized with no apparent erosion. Mr. Casadei is unsure of the number of trees removed. He stated that the trees cut down were not just sick but dead. Healthy trees were left standing, and the tops of the trees left on the ground will help to speed decomposition and regeneration of the soil.

Frank Wellersdieck, 482 Pequot Avenue, suggested that a representative of the Town should meet with the property owner and Forest Products, LLC to discuss a replanting plan for this area. He reminded the Town of its interest, since Sandy Hollow Road is a scenic road.

The Town Manager stated that the Town Code dealing with the scenic road being discussed is "Section 13.5-124 Alteration, improvement restricted". He noted that the Committee of the Whole will have this item on its agenda next week, and believes that the Town is seeking to have the stone wall put back with an appropriate opening for access to the property of 16-18 feet wide. He

remarked that the Town wants to protect the right of way area and correct the damage along the frontage of the road, not the private land beyond that point.

There being no further comments, Chairman Pro Tem Kolnaski closed the Public Hearing at 7:48 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Mariellen French, 12 Little Gull Lane, Mystic, is troubled by the situation surrounding the Merritt Family Farm. Ms. French is concerned that a Town employee would take a disagreement between abutting landowners to the Department of Environmental Protection (DEP), and said that it is regrettable that although the new Town Charter provides for an Ethics Commission, there is none to date.

Joan Smith, 58 Mohegan Road, President Pro Tem of Groton Open Space Association (GOSA), stated that the Merritt Family Farm property is privately owned by GOSA. The conditions of the State grant required the land to remain in its natural state. The grant allowed passive recreation and included a list of possible activities which the landowner may choose to permit. She noted that GOSA members are the stewards of this property and are currently conducting an inventory of plant and animal habitats, as well as creating a trail plan that will protect its resources. Ms. Smith added that the Town has no right-of-way and no maintenance responsibilities, therefore no jurisdiction over this property.

Genevieve Cerf, 17 Crescent Street, Groton Long Point, RTM District 8, Treasurer of GOSA, stated that GOSA does not have the resources of a state, municipality, or federal agency. The Merritt Family Forest has rocky paths and overhanging tree limbs everywhere and it would be devastating if there were an accident on the property. She highlighted some documented horseback riding injuries, and requested that the peaceful rustic character of the property not be changed.

Sidney Van Zandt, 3 Front Street, Noank, gave a brief history of GOSA from its inception to current day and its quest for open space land. She also discussed the bond issue supported by voters in the 1980's that set aside \$8 million for the Town to purchase open space lands, of which \$2 million was not used. Ms. Van Zandt stated that the Town has not purchased any open space land since 1988.

Claiborne Van Zandt, 3 Front Street, Noank, continued the history of GOSA and its relationship to open space acquisition. The Merritt Family Forest was the keystone to the greenbelt from Bluff Point to the Mystic River. He stated that over 1,000 acres are now available for bikes, horses, and dogs, but there are other areas that are not appropriate for these uses.

Marty Young, 79 Cedar Road, passed around photos of some signage from Bluff Point regarding horseback riding. One stated that horseback riding is discouraged on shore or in water, and the other stated that no horses or dogs are permitted on the beach or dunes from April 1st through September 1st.

Wendy MacFarland, 48 Bel Aire Drive, Mystic, read a letter from Francis Williams of Noank thanking GOSA and the Groton Parks and Recreation Department for quality land, activities and unique open space. He urged citizens to give their continued support to these organizations. After reading the letter, Ms. MacFarland stated that a neighbor whose property abuts the Merritt Family Forest is proposing a horse farm which will have guided and leased trail rides. She is concerned that there may be a conflict of interest because the owner's husband may be hired to work on the Master Trails Plan and they will benefit financially through access to the Merritt Family Forest.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Councilor Flax noted that GOSA's grant application stated that it would be possible to walk or ride a horse from the Merritt property to Haley Farm and wonders why this is in the application if there was no intention to have horses.

Members of GOSA replied that there was no intention to deceive by putting horseback riding into the grant application. When GOSA applied for the grant the only access to the property had been two meetings with the Inland Wetland Agency. When the property was examined and all aspects of horseback riding were considered, GOSA made their determination for public safety and environmentally sound reasons.

Councilor Sheets asked how this issue happened to come before the Planning Commission.

Jim Furlong stated that the Connecticut Horse Council is a state body of horseback riders who wrote to the Planning Department regarding the proposed multi-use trails plan that was approved by the Planning Commission. Mr. Furlong stated that the Manager of Planning Services Matt Davis said that it seemed reasonable that the State should require GOSA to comply with the Master Trails Plan.

VI. CONSENT CALENDAR

a. Approval of Minutes

2009-0174 Special Trust Fund Contributions

RESOLUTION ACCEPTING CONTRIBUTIONS TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

L&M Stroke Support Group - \$200.00 - Parks and Recreation Revolving
Pizzetta, LLC - \$1,250 - Parks and Recreation Revolving
Groton Utilities Matching Funds - \$41.75 - Groton Utilities Energy Assistance Program
George Marshall - \$100.00 - Social Services Discretionary

This Matter was Adopted on the Consent Calendar.

b. Administrative Items

2009-0182 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meeting of July 7, 2009 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

c. Deletions from the Town Council Referral List

2009-0169 Climate Showcase Communities Grant Program

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2009-0125 Eastern Point School Property Lease

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2009-0168 Bodenwein Public Benevolent Foundation Grant - Arts Cafe Mystic

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2009-0170 Creation of Boating Advisory Board

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2009-0177 Equipment Donation to Friends of Fitch Crew, Inc.

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Schmidt, seconded by Councilor Antipas, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.

The motion carried by the following vote:

Votes: In Favor: 5 - Councilor Antipas, Councilor Flax, Councilor Kolnaski, Councilor Monteiro and Councilor Schmidt
Abstain: 1 - Councilor Sheets

VII. COMMUNICATION REPORTS (Other than Committee Reports)**a. Town Councilors**

Councilor Flax, Councilor Monteiro, Councilor Sheets, Councilor Schmidt, and Councilor Antipas received emails regarding the Merritt Family Forest.

Chairman Pro Tem Kolnaski received the same emails and attended a Ledge Light Heath District meeting.

b. Clerk of the Representative Town Meeting

At the meeting on July 15, 2009, the RTM passed the appropriation for improvements to Bridge Street. The next meeting will be on August 19, 2009.

c. Clerk of the Council

Office Assistant Lori Watrous requested a referral for the preparation of Explanatory Text in the event of the passage of the Thames Street Rehabilitation Ordinance that will go to referendum in November.

2009-0185 Explanatory Text for Thames Street Rehabilitation Referendum**EXPLANATORY TEXT FOR THAMES STREET REHABILITATION REFERENDUM****d. Town Manager**

The Town Manager stated that Group II will be cancelled next week and the Committee of the Whole meeting will start at 6:00 p.m. He remarked that on July 27, 2009, the Parks and Recreation Department will make the final presentation of its Master Plan. He also remarked that Shennecossett Golf Course sponsored the 2009 PGA Senior Open. Mr. Oefinger commended Todd Goodhue and Eric Morrison for their efforts in organizing and preparing the course for this event.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS**a. Community & Cultural Development - Chairman Brown-Tracy**

No meeting, no report.

b. Economic Development - Chairman Flax

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman Schmidt

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman O'Beirne

No meeting, no report.

g. Public Safety - Chairman Monteiro

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Watson

Chairman Pro Tem Kolnaski stated that prior to tonight's meeting there was a Special Committee of the Whole meeting to discuss the adoption of the Ordinance on Thames Street Rehabilitation Project.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

2009-0125 Eastern Point School Property Lease

RESOLUTION APPROVING A LEASE OF THE EASTERN POINT SCHOOL PROPERTY TO LEARN

WHEREAS, recent construction of new schools has left the Town of Groton with properties that are currently unused, including the Eastern Point School, located on Shennecossett Road in the City of Groton, and

WHEREAS, the Town Council deems it to be the best use of that property, and to be in the long term interest of the Town's taxpayers, that the Town retain ownership of the property as a municipal asset and for possible future civic purposes, and

WHEREAS, LEARN, an educational agency sanctioned by the State of Connecticut, has obtained full funding and authorization to construct a regional magnet high school for Marine Studies, and LEARN desires to locate such school in the Town of Groton, and

WHEREAS, leasing the Eastern Point property to LEARN at a nominal rent could also allow for other, concurrent use of some part of the property for the public benefit, and

WHEREAS, LEARN is to take responsibility for razing and removing the existing structure, which is no longer of any use to the Town of Groton, and

WHEREAS, the Town Council referred the issue of leasing this property to the Groton Planning Commission, pursuant to CGS 8-24, said Planning Commission now having returned a favorable recommendation to the Town Council, and

WHEREAS, the Town Council and the Town Attorney have reviewed the terms of a proposed lease of the Eastern Point property to LEARN for an initial period of thirty (30) years, with renewal options for two successive terms of twenty (20) years, now therefore be it

RESOLVED, that Town Manager Mark R. Oefinger is now duly authorized to execute the lease described above.

A motion was made by Councilor Monteiro, seconded by Councilor Schmidt, that this matter be Adopted.

The motion carried unanimously

2009-0168 Bodenwein Public Benevolent Foundation Grant - Arts Cafe Mystic

RESOLUTION AUTHORIZING APPLICATION FOR A BODENWEIN GRANT FOR THE

ARTS CAFÉ-MYSTIC

WHEREAS, for fifteen years the Arts Café-Mystic has been a popular program that provides live performances by writers and musicians, supports the local writing community, and gives scholarships to student writers at local high schools, and

WHEREAS, the Arts Café-Mystic has received grants from the Bodenwein Public Benevolent Foundation for many years, allowing the Town of Groton's Department of Parks and Recreation to administer the Arts Café performances, now therefore be it

RESOLVED, that the Town Manager may apply for and accept a Bodenwein Foundation grant of \$5,000 for the grant period covering Fall 2009 and Spring 2010.

A motion was made by Councilor Flax, seconded by Councilor Monteiro, that this matter be Adopted.

The motion carried unanimously

2009-0170**Creation of Boating Advisory Board****RESOLUTION ESTABLISHING A BOATING ADVISORY BOARD**

WHEREAS, Groton Parks and Recreation has for many years provided boating-related facilities and numerous programs to the public, and

WHEREAS, Groton Parks and Recreation staff has solicited the views of experts and users of boating recreation programs, and

WHEREAS, the Groton Parks and Recreation Commission has endorsed the formation of a Boating Advisory Board, and

WHEREAS, the Town has successfully worked with its Golf Advisory Board in a similar role for several years, and

WHEREAS, it is intended that the Boating Advisory Board will collaborate with Parks & Recreation staff, under the direction of the Groton Parks and Recreation Commission, and

WHEREAS, the Town Council has reviewed the initial bylaws of the proposed Boating Advisory Board, now therefore be it

RESOLVED, that the Town Council authorizes the formation of a Boating Advisory Board and approves their initial bylaws, with the understanding that future changes in the bylaws of the Boating Advisory Board will be subject to approval of the Parks and Recreation Commission and will not require Town Council action.

A motion was made by Councilor Sheets, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

2009-0177**Equipment Donation to Friends of Fitch Crew, Inc.****RESOLUTION AUTHORIZING A DONATION OF TOWN OWNED EQUIPMENT**

WHEREAS, there is more demand for boating activities, such as rowing, than can be directly provided by staff of the Parks and Recreation Department, and

WHEREAS, the Friends of Fitch Crew (FOFC) is a 501(c)(3) organization wishes to enter into an agreement with Parks and Recreation whereby FOFC would provide rowing programs including sweep rowing programs, and

WHEREAS, FOFC would carry on rowing programs with its own equipment and additional equipment that it is seeking as a donation from the Town, and

WHEREAS, FOFC has the stability and resources to assure that equipment currently owned by the Town of Groton will continue to be used in sweep rowing programs at Spicer Park, and

WHEREAS, in the event that FOFC ceases to provide the programs desired by Parks and Recreation, any donated equipment that remains would be returned to the Town, now therefore be it

RESOLVED, that the Town Council hereby approves the donation of a Boston Whaler boat with associated equipment, a rowing shell trailer, and a quantity of life jackets currently owned by the Town to Friends of Fitch Crew, Inc.

A motion was made by Councilor Schmidt, seconded by Councilor Sheets, that this matter be Adopted. The motion carried unanimously

2009-0178

Adoption of Ordinance on Thames Street Rehabilitation Project

ADOPTION OF AN ORDINANCE APPROPRIATING \$10,725,000 FOR THAMES STREET REHABILITATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000) is appropriated for design and reconstruction of Thames Street and intersections of adjoining streets from Bridge Street to Eastern Point Road and Smith Street. The project shall include clearing and excavation; reconstruction of existing pavement and base materials; installation or reconstruction of curbing, sidewalks, guardrails, handicap ramps and crosswalks; rebuilding, construction of, and repairs to retaining walls; reconstruction of storm drainage systems; relocation or reconstruction of other necessary utilities; traffic signal upgrades; installation of decorative street lighting and other streetscape improvements; and landscaping and related improvements. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design and construction costs, equipment, materials, site improvements, easement acquisition, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of

Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Refer to RTM (rule 6.5.3)

A motion was made by Councilor Kolnaski, seconded by Councilor Monteiro, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on August 19, 2009.

The motion carried by the following vote:

Votes: In Favor: 6 - Councilor Antipas, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor Schmidt and Councilor Sheets

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion to adjourn at 8:51 p.m. was made by Councilor Flax, seconded by Councilor Sheets and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*